App F IX 4

File No 147-48

Previous References
Ml 24-46 (28, 29, 43)
Ml 24-46 (77-79)
Ml 24 Ml 24 Ml 24-46 (52, 53)
Later References

1948-49 (Ml)

Serial Nos 26

GENERAL AND REVENUE SECRETARIAT

Serial Nos One

P. 23. (E)

Part B for Dec 48

SUBJECT

Protest application of Janab Mohamed Hayath against the acquisition of Gargeswara Cart Stand

L 6071/B 3-12-48

To Janab Mohamed Hayath,
357, Baksh Ahamed Khan's House,
Near Gargeswara Chowk
Mandi Mohalla, Mysore

Issues an endorsement
L. 6072/B 3-12-48
To The Chairman, C I T B Mysore

Dse

/4374/I.C

From the chairman, Mysore Trust Board

No L H 1/47 of 21-1-48

This is a report on the petition of one Mr Hayavadana Rao of Mandya Mohalla in Mysore protesting against the appointment of Congressmen candidates at the elections

1) submitted with a draft letter calling for certain further particulars in view of the report at present of the letter

2) Please advise

Sd/- [illegible]

Mem 4/2 Dy 5.2.48.

TYPING SECTION
6 FEB 1948

To,
The chairman, Mysore
Trust Board
L 135-13 of 10/2/48
calls for certain
information

Sd/- H [illegible]
for [illegible] 4/2

From the chairman, Mysore
Trust Board.

No. L A1/47 of 26-2-48
Furnishes the information called for

(x fly A)

3) This relates to the petition of one Mr Mohamed Hayath submitted to the Minister for Finance and Industries protesting against the acquisition of property used as a coir station including certain buildings in Gangeswaram, Ramanathapuram, Mysore, the numbers of these properties being 358, 337 and 338 on the following grounds. —

a) that he has inherited the property bearing Nos 358 and 337 and shown 338 which were allotted under Registered document as a charitable endowment by one Fatima Ammal,

b) that, on two persons occasion the proposed acquisition of the above property was given up, inspite of the charitable purpose for which it was being utilised

c) that he has kept the premises more clean than any coir station maintained by the Govt.

4) It is seen from the report now received from the chairman and the previous references submitted, the properties in question were proposed to be acquired, as a slum clearance scheme and to be converted into a park

5) In this connection, it is submitted that the Trust-Board resolved to acquire the property of the petitioner as also of Mrs Sakamma bearing Nl Nos 339 and 340 The Nl Nos of the petitioners property are 358, 337 and 338 when both the petitioner and Mrs Sakamma submitted petitions to the Late Minister for Education & P H protesting against ~~the against~~ the acquisition of their respective properties, the property of Mrs Sakamma was ordered to be left out of acquisition, provided she was prepared to put up a new house according to the plan approved by the Mlg, within a stipulated time and the petitioner, Mr Hagath was informed that his request could not be granted, as per orders of the Minister in the respective files — Vide flgs K & 7 respectively

Vide orders of the then Minister for Edn & P H at paras 10 of the notes of the file — flg K

Vide orders of the then Minister at paras 60 and 61 of the notes of the file — flg 7

6) In view of the above orders, ~~the proposal~~ the acquisition of properties of Mr Hagath was sanctioned in GO dt 15-7-47 (flg. T)

7) He has again submitted

P T.O

43745/5141/mk

submitted a petition to the Municipality for insurance and indemnities protecting against the acquisition of his property and he says that he is prepared to construct new shops in his place according to the plans to be approved by the Mcly-

8) In the above circumstances, the points for consideration are -

(1) whether his request may be rejected

or (2) whether the acquisition proceedings in respect of his property may be withdrawn subject to the condition that he is prepared to put up new buildings according to the plan approved by the Municipality within a stipulated time, as in the case of Mrs Sakkam ~~as in the case of Mrs. Sakkam~~

submitted for orders

[illegible] INDUSTRIES
No 26464
Date 17/3/48

mm 13/3 Pr 14 3 48

Revised 13/8/48

9) In the above circumstances the prayer of Mrs Sankaran and Hyath is for consideration of the Municipality whether an engineer may be made available to inspect the locality and report whether the shops can be constructed as per the directions of the Trust Board

16/3/48

5161 √ 1079/ml

10) If the idea of acquiring the property is to reserve it as a park and playground for children, as suggested in the letter dated 29th June 1948 by the Chairman, the alternative suggestion of the Trust to withdraw the acquisition and on condition that the owner would provide buildings as per the plans of the Trust does not carry much meaning. The Trust may make it clear as to the purpose for which they propose to acquire the property. If the Trust wants to use it for putting up buildings then the question of withdrawing the acquisition and of permitting the party to retain the same on condition of his putting up buildings as per the designs and plans of the Trust may be considered. If it is for a children's playground and park then it is no use leaving the place in the hands of the party.

2644

A

S.C.D.
17/9

21/9
Surgeon

11) Submitted with a draft letter calling for further information, as suggested above.

Sd/- 25/9
Asst. Surgeon 1/10 - Public Health

Sd/- 29/9
To the Chairman, Improvement Trust
23449 a 1-10-48 - call

1079 ✓ Acquisition of Gargeswara
3521/ not cant stand

Letter No L A 1/47-48 & 4-11-48
from the chairman, Rajpura
Trust Board in the matter

13) The report now received
is submitted for perusal with
reference to para 10 supra

14) It is stated that the area
~~[illegible]~~ is proposed to be used
as a [redacted]dren's playground.

14) In view of the orders of the
Minister at para 10(A) supra, it is
for orders whether the petitioner
Janab Mohamed Hayath may
not be informed that his
request to drop the acquisition
proceedings in respect of the
land in question cannot be
complied, as govt see no reason
to interfere with the decision
of the Trust Board in the matter

A

OF THE HOME
5977
24NOV1948

hma 16/4 A - May be ordered accordingly

5404
23/11

(Home Minister)

Received for
Signed 19/11/48
24/11/48

35-21/mC

A draft endorsement
for
Issue

26/11

27/11 Dy

Endorsement to
Jamab Mohamad Hanifa
alias Sabjan Sab
357, Mandi Mohalla
Mysore

L 6071/mL(4)/48-26
27/11/48

Request cannot be complied
with by the Chairman, C & I R, Mysore

Dep
15/12

No L A 1/47-48/Encl 1 Petn
1 copy of T B R 1937
1 copy of T B R 1945

Office of the Chairman
City Improvement Trust Board Mysore

Dated 20th/21 January 1948

From N S HIRANNAYYA, Esq , M A ,
THE CHAIRMAN,
CITY IMPROVEMENT TRUST BOARD,
MYSORE

To Syed Abdul Aleem, Esq , B A ,
Secretary to the Government of
His Highness the Maharaja of Mysore,
Revenue Department, Bangalore

Sir,

Re Petition of Mohamed Hayath, Gargeswari Chowk, Mandi Mohalla, against the acquisition of Gargeswari Cart Stand protesting

---

With reference to the petition dated 30-12-1947 addressed to the Minister for Finance and Industries re the above, I have the honour to state as follow -

1) It is seen from the will copy presented on previous occasions that the property is treated as a Cart Stand There are a couple of dilapidated buildings adjacent to the vacant land and these are stated to be used by Travellers

2) The acquisition was proposed by the Board in the year 1937 and the same was deferred (vide copy of Trust Board Resolution No XXII dated 28-7-1937 enclosed)

3) The cart stand in question is kept in an insanitary condition and the locality being also very congested With a view to improve the sanitation of the area the Trust Board resolved to acquire this cart stand along with D Nos 339 and 340 and the acquired area proposed to be converted into a park and a Children's corner (Copy of Trust Board Resolution No 423 dated 28-3-45 is enclosed)

4) As regards the allegation made in para 5 viz , the existance of public parks, children play grounds nearby and the supposed profiteering intention of the Board etc , it may be stated that the purpose of acquisition makes it clear that the acquired area is proposed to be used as a children's play-ground and a park and to improve the sanitary conditions of the place and evidently such a scheme does not involve any motives of profit

5) Regarding the allegations referred to in para 6 affecting the finances of the Board and other properties requiring improvements, necessary provision has been made in the current year's budget to meet

P T O

the cost of acquisition and action will be taken in due course to acquire the other dilapidated buildings

6) The petitioner's license was returned as the property was proposed for acquisition as per Trust Board Resolution dated 28-3-4

7) The petition referred to in Para 8 of the petition was nc received in this office nor have orders thereon been communicated. The memorial seen to have been addressed to Government by the residents of the Mohalla on 8-2-1947 has not been received in this office In persuance of Government Order No L 1010-13/M1 24-46-78 dated 15-7-1947 sanctioning the acquisition, the Land Acquisition Officer is holding the enquiry and a notice was issued to the petitioner claimant to depose his staterent

8) In this connection, it is submitted that as per Preliminary Notification No XIX/44-45 dated 2-5-45 properties belonging to Mrs Sakamma were also notified and as per endorsement issued to Mrs Sakamma, the acquisition has been withdrawn (Vide Revenue Secretary's No L 10442 dated 23-1-1947) and she was permitted to put up a new structure as per approved plan

9) The petition addressed to the Minister is enclosed and the spot in question was inspected by the Minister

I have the honour to be,
Sir,
Your most obedient servant,

Chairman.

HRS.

Proceedings of the ordinary meeting of the Board of Trustees for the improvement of the City of Mysore, held at the Chairman's Office on 28th March 1945

---

xx xx xx

xx xx

423 Acquisition of cartstand near Gargeswari Chowk in Kalamma Temple Street, Mandi Mohalla, for improvement purposes

May be acquired including Door Nos 339 and 340 which are necessary for a proper plan The land acquired may be converted into a park and children's corner no construction of any building being allowed

xx xx xx

xx xx

(Sd) R Ramachandra Rao Bhonhore
Chairman

" Copy "

HRS.

Chairman

Mysore City Improvement Trust Baard

Copy of Resolution No XXII dated 28-7-1937

xx xx xx

xx xx

XXII Scheme for the acquisition of property No 338, Plan No 69, in Block No.I (No 3 Drainage Area) Mandi Mohalla, belonging to Messrs Mahomed Hayath alias Sabjan and Gulam Dastagir Sabib - (Gargeswari Chowk)

Deferred

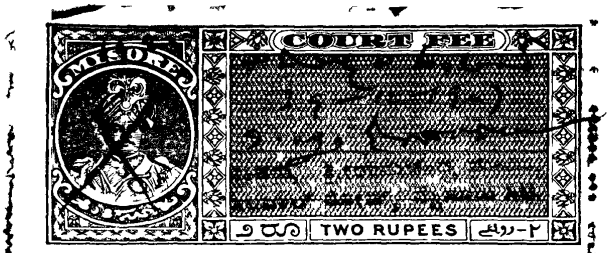
xx xx xx

(Sd) M A Sreenivasan
Chairman

" Copy "

Chairman

HRS



To

MR 149-48-26

The Minister
for Finance to the Govt of Mysore

Petitioner - Mahamad Hayat Alias Sabjan Sab, residing in house No 357 Bakshi Ahmad Khan's house, near Gargeswari Chowk, Mandi Mohalla, Mysore

---

The petitioner most respectfully begs to submit as follows -

1 Fatamabiamma, the daughter of Bakshi Ahmad Khan Sahib, was the owner of the property No 337, 338 and 358 in Block No I, Mandi Mohalla, Mysore She executed a registered Will dated 17-9-1872 bequeathing the property for public charity, declaring it to be a family trust property to be used as 'Mussafarkhana' - resting place for travellers and appointing her first son Jamadar Mahamad Hayat Sab and after him, the male descendants of Fatmabiamma as trustees to carry out the trust Since then her descendants have been managing the property as trust property -

2 For over seventy years, travellers have been coming and staying there free of cost -- Thus it is being used for a public purpose

3 The Mysore City Improvement Trust Board wanted to acquire the trust property for an alleged public purpose, in 1937 The petitioner then gave petitions to the then Chairman of the Trust Board and the Dewan of Mysore, protesting against the acquisition of the property which had been dedicated for a useful public purpose The accuisition proceedings were dropped on the ground that it was a trust property and an endorsement to that effect was given to the petitioner on 28-7-1937

4 Again the City Improvement Trust Board thought of acquiring the property for an alleged public purpose, viz , "Play-ground" and passed a resolution on 2-5-1945 that the property No 337, 338 and 358 in Block No I Mandi Mohalla, Mysore be acquired and

P T O

submitted the proceedings to the Government for sanction

5 The petitioner submits that there are many public parks nearby for recreation both for children and adults and there is no necessity to acquire the trust property for a 'Play-ground' which is being used by the public as a resting place There are many instances in which the Trust Board alleged particular public purpose for acquisition and obtaining sanction of the Government and having obtained the sanction selling the acquired properties to the highest bidders, thus making profit at the expense of the poor and the homeless Now-a-days acquisition comes in handy when the properties belong to the poor

6 The petitioner understands that the Trust Board have resolved to acquire valuable properties worth lacs of rupees stating some public purpose having no funds at their disposal The property resolved to be acquired is situated at the centre of the Mysore City where dwelling houses are needed, rather than play-grounds The property is worth not less than Rs 50,000 The poor and the middle class population of Mysore City are badly in need of dwelling houses But the City Improvement Trust Board wants to acquire ard demolish the shop No 337 and house No 358 and to deprive the Mussafar of the only free resting place they have when they visit Mysore There are houses adjoining the trust property which require improvement and extensionand the petitioner himself requires some vacant space out of the trust property to improve and extend the adjoining houses,-

7 The petitioner had applied to the Municipality in 1945 for license to construct some decent shops and a resting house "Mussafarkhana" for the use of the public in the area resolved to be acquired, but license was not granted on the ground that there was a proposal for acquisition The petitioner is prepared to build shops and dwelling houses according to the approved plan of the Municipality

8 The petitioner gave a petition to the previous Minister for Health and Education the late Dr T C M Royan, on 21-10-47, who passed an order modifying the previous Government Order and direct-

directing acquisition of only half of the area notified for acquisition

9 The residents of Wandi Mohalla also submitted a memorial to the Government stating that the Government must not give sanction to the proposal for the reasons stated in the memorial sent on 8-2-1947 For the foregoing reasons, the petitioner humbly prays that the Government may be pleased to withdraw the sanction for acquisition and to direct the Trust Board to drop the acquisition proceedings and to grant license to the petitioner to build decent shops and rest houses for public use, to carry out the objects of the Trust according to the wishes of testatrix The Chairman of the Trust Board of Mysore, had issued a notice to the petitioner to appear before him on 4-12-47 to file his objections to the measurements and to produce his Title deeds The petitioner therefore prays that an order be issued to the Chairman, City Improvement Trust Board, to postpone the award and further proceedings till the disposal of this petition

I beg to remain,
Respected Sir,
Yours faithfully,

Dated 30 12 47

To The Municipal Commissioner for the City of Madras

Subject - Petn of Mr. Ahmed Sahib Sahib Gargeswara Chetty, Ramachandra Mudaliar protesting against the requisition of Gargeswara cart stand

Sir,

With reference to the Presidents letter No. A 1/4748, dt. 21-1-48, on the above subject, I am directed to request you kindly to send a copy of endorsement issued to Mrs Sakamma, as referred to in para 8 thereof. It may also be clearly stated whether the preliminary notification in respect of the

Chairman

properties of Mrs Sakamma have not been published in the first instance in the official gazette and if so, ~~whether the acquisition~~ has ~~been~~ whether, any further notification has been issued withdrawing from the acquisition of the properties of Mrs Sakamma the NO and date of GO, if any, may kindly be quoted in this behalf

Thanking you

Yours truly

H Ramesh

Dy Secy (Est)

No L A.1/47-48 /Encls 2

Office of the Chairman
City Improvement Trust Board

Mysore, Dated 26th February 1948

From P Sitaramiah, Esq, B A, B L,
CHAIRMAN CITY IMPROVEMENT TRUST BOARD
MYSORE

To Syed Abdul Aleem, Esq, B A,
SECRETARY TO THE GOVERNMENT OF
HIS HIGHNESS THE MAHARAJA OF MYSORE
REVENUE DEPARTMENT BANGALORE

Sir

4374 W Re Petition of Lr Mohamed Hayath, Gargeswari Chowk, Mandi Mohalla, protesting against the acquisition of Gargeswari Cart Stand

---

With reference to your letter No L 13573 dated the 18th instant re the above, I have the honour to forward herewith copy of endorsement issued with your No L 10442 dated the 23rd January 1947 The property belonging to Mrs Sakamma was also published in the Preliminary Notification No XIX/44-45 dated the 2nd May 1945 (enclosed herewith) and the same was omitted in the Final Notification submitted to Government for publication in view of the endorsement issued by Government permitting the owner to reconstruct the building

I have the honour to be,
Sir,
Your most obedient servant,

P Sitaramiah
Chairman 26/2

HRS

Endorsement No 10442 dated 23rd January 1947 from the Secretary to Government Revenue Department, Bangalore, granted to Mrs Sakamma, 339, Gargeswari Gadi Chowk, Mandi Mohalla, Mysore

---

In reply to her petition dated 31st December 1946 addressed to the Minister for Education and Public Health requesting that her house No 339 in Gargeswari Gadi Chowk may not be acquired by the City Improvement Trust Board, Mysore, Mrs Sakamma is informed that necessary instructions have been issued to the Chairman, City Improvement Trust Board, Mysore, not to acquire the above house, provided she is prepared to put up a new house according to the plan approved by the Municipality within a stipulated time

The plan accompanies

Memo No L 10443 dated 23-1-1947

Copy with compliments, to the Chairman, City Improvement Trust Board, Mysore, for information and necessary action, with reference to his letter No B3 C 101 dated 19-12-1946

By Order,
(Sd) G Ramachandra Rao
For Secretary to Government,
Revenue Department

" Copy "

G Sharanappa 24/2

HRS/2

Chairman 26/2

Office of the Chairman,
City Improvement Trust Board,

No L A 1/47-48

Mysore, Dated 31st July 1948

From P Setaramiah Esq BA BL
CHAIRMAN CITY IMPROVEMENT TRUST BOARD
MYSORE

To
Janab Syed Abdul Aleem, B A ,
SECRETARY TO THE GOVERNMENT OF
HIS HIGHNESS THE MAHARAJA OF MYSORE
REVENUE DEPARTMENT BANGALORE

GENERAL & REVENUE SECRETARIAT
1079
5 AUG 1948
JUDICIAL BRANCH

Sir

Re Petition of Janab Mohamed Hayath, Gargeswari Chowk, Mandi Mohalla, protesting against the acquisition of Gargeswari Cart Stand

In inviting kind reference to your letter No L 13573 dated the 18th February 1948 re the above, I have the honour to request you kindly to convey early orders of Government in in the matter of proceeding with the acquisition or otherwise

I have the honour to be,
Sir,
Your most obedient servant,

Chairman 4/8/48

HRS

MYSORE CITY IMPROVEMENT TRUST BOARD

Dated 2nd May 1945

No XIX —44-45 Whereas it has appeared to the Board of Trustees for the Improvement of the City of Mysore that by acquiring the undermentioned properties for the purpose noted against each of them further improvements can be made in the locality in which they are situated it is hereby notified in accordance with Section 16 (1) of the City of Mysore Improvement Act III of 1903 that the Board have resolved to acquire the said properties

The plans and statements showing the extent of land etc, required for the proposed improvement may be seen in the Chairman's Office located in the New Municipal Office Buildings Mysore during office hours

The following are the particulars of the properties to be required

Serial No	Plan No	Door No	Name of owner	Description of property	Extent of land in feet: East to West	Extent of land in feet: North to South	Extent in sq yds	Boundaries: East	Boundaries: West	Boundaries: North	Boundaries: South
			Block No 1 Mandi Mohalla for (play ground) public purpose to the West of Kalamma's Temple Street								
	337	338 and 356	Messrs Mohamed Hayath and others	Land with structure	94 46+34 2	99 77½+7½ 2	1724	Road	Road	M Mohamed Hayath property and Sakamma's property	Road
	339 and	340	Mrs Sakamma daughter of Venkatakrishnappa	Do	60 19	25½+28 2 10	200	Kalamma Temple road	Mohamed Hayath's property and Conservancy lane	Srikanta Setty property	Mohamed Hayath property

1116

R RAMACHANDRA RAO BHOMBORE, *President*

Submitted

The file bearing D NR 5141/Lands
has been submitted to the Minister for Finance
and Industries on 17/3/68.

5/8

For kindly returning the
file in question with the
Minister's orders early

for the
Minister for Finance
& Industries

G R S App F G 3

GENERAL AND REVENUE SECRETARIAT

(*Continuation sheet draft form*)

To, L 8449
1-10-49

The Chairman,
C D T Board
Mysore.

Sir,

With reference to the correspondence ending with your letter No L A 1/47-48 dt 31-8-48 re the protest of Janab Mohamed Hayath against the acquisition of the Gangeshwara estate, I am directed to request you to intimate the ~~defaulter~~ defaulter for which the proposed acquisition is being acquired.

This may kindly be treated as urgent & a reply sent within a week.

Yours faithfully
for Secretary
By 25-9-48

WD 03697—GPB—30 000—2 2 40

URGENT

No L A 1/47448

Office of the Chairman, City Improvement Trust Board

Mysore, Dated 1st Novr. 1948

From Sri P Sitaramiah B A B L
CHAIRMAN CITY IMPROVEMENT TRUST BOARD
MYSORE

To Rao Bahadur Syed Abdul Aleem, B A
SECRETARY TO THE GOVERNMENT OF
HIS HIGHNESS THE MAHARAJA OF MYSORE
REVENUE DEPARTMENT BANGALORE

REVENUE SECRETARY No 6/11 Dy

Subject - Protest application of Janab Mohamed Hayath against the acquisition of Gargeswari Cart Stand

---

With reference to your letter No L 3449 dated 1-10-48 re the above, I have the honour to state that the area after acquisition is proposed to be used as a Children's Playground The acquisition was proposed in view of the fact that the place in question was ~~occupied~~ in a very insanitary condition being used as a private cart stand

Yours faithfully,

Chairman

HRS

Zeroxed ✓ Endorsement granted to
Tamab Mohamed Hayath
alias Sabjan Sab, residing in
House No. 357, Bakshi Ahamed
Khan's House, near
Gargeswara church, Ramaka
Mohalla, Mysore

L 60 71 / MH 147-48-26

DJ 3-12-48 with reference to his petition
dt 30-12-47 addressed to the
Minister for Finance & Industries
~~for~~ to ~~be~~ praying that the aggravated
proceedings in respect of ~~the~~ charges levied against him
in Ramaka Mohalla, Mysore city
may be dropped, Tamab Mohamed
Hayath is informed that his
request cannot be complied with,
as the Govt see no reason to
interfere with the decision
of the ~~Trust~~ Mysore City
Improvement Trust Board,
in the matter

Sd.
for Secy

P T O.

Memo:

copy of the above is forwarded w/c to the chairman, C.B.T Board by me, with reference to the correspondence ending with his letter No LA-1/47-48 d 4-11-48 on the subject

Sd/

H.R.W. Jeevy

27 11 48

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat,

No L 6071/ml 147-48 26 *Dated Bangalore,* 3 12-48

ENDORSEMENT

Granted to Janab Mohamed Hayath alias Sabjan Sab, residing in house No.357, Bakshi Ahamad Khan's House, near Gargeswari Chowk, Mandi Mohalla, Mysore.

With reference to his petition dated 30th December 1947 addressed to the Minister for Finance and Industries praying that the acquisition proceedings in respect of the Gargeswari cart stand in Mandi Mohalla, Mysore City may be dropped, Janab Mohamed Hayath is informed that his request cannot be complied with, as the Government see no reason to interfere with the decision of the Mysore City Improvement Trust Board, in the matter.

By Order,

Sd/- Syed Abdul Aleem,

Secretary to Government,
Revenue Department.

Memo No L 6072/ml 147-48-26 dt 3 12-48

Copy of the above is forwarded, with compliments, to the Chairman, City Improvement Trust Board, Mysore with reference to the correspondence ending with his letter No LA 1/47-48 dated 4th November 1948 on the subject

By Order,

Revenue Secretary to Government